(1) from owning stock, even all of the stock, of a *bonâ fide* corporation engaged in mining, producing and shipping commodities over its lines, or (2) from transporting commodities mined or otherwise produced by the railroad company itself, provided it has in good faith dissociated itself from such commodities prior to the act of transportation — sale to a *bonâ fide* separate corporation whose stock is owned by the railroad company, apparently constituting such dissociation. Although in subsequent decisions the Supreme Court has shown a disposition to give to the act the most effective possible construction consistent with these limitations, nevertheless so long as they exist no real dissociation will ever be accomplished.

He urges, therefore, in some detail, legislation designed to sweep away these limitations and to secure a genuine separation of railroad companies from any business other than that of common carriage. Both on the merits and for the purpose of disarming opposition, these suggestions should be modified to the extent of permitting mining and producing companies, on application to the Interstate Commerce Commission, to build and operate such lateral branch lines or spur tracks as may be reasonably necessary to reach a trunk line railroad. Broadly speaking, however, these suggestions accord with repeated utterances of the Interstate Commerce Commission and of the Attorney General and will doubtless meet the approval of most disinterested persons.

The concluding section in which Professor Kibler seems to advocate extending "the principle of dissociation" to "any two industries that are complementary in their nature" will not be so generally accepted. Common carriers, whose facilities other shippers are under compulsion to use, stand upon a very different footing from any ordinary business. Most readers will be doubtful indeed as to the wisdom of prohibiting the union of complementary industries generally — the mere integration of industry.

The usefulness of the book for legal reference purposes would be increased by a proper table of cases cited and by a reference to the cases of *United States* v. *D. L. & W. R. Co.*, 231 U. S. 363; *The Tap Line Cases*, 234 U. S. 1, 27; and *United States* v. *Lake Shore & M. S. R. Co.*, 203 Fed. 295, 315, 319.

THURLOW M. GORDON.

CLINICAL STUDIES IN THE RELATIONSHIP OF INSANITY TO CRIME. By Paul E. Bowers, M.S., M.D. Michigan City, Indiana: The Dispatch Print. pp. 104.

Lawyers are beginning to admit that there is no such sharp division between the legally responsible and the legally irresponsible as they used to believe. Science is pressing upon them the realization that a penalty affixed to an act by law is less often an efficacious preventive of the act than the law supposes. Instead of sending the malefactor to prison only to let him out later, the psychiatrists are demanding an opportunity to try their new-found learning on him in a hospital. And to this plea they add the assurance that in case of failure they will isolate him for good and not for a time only. It is clear that the opportunity must be given them. Crime must follow disease into the hands of the scientists.

Dr. Bowers' monograph is an attempt to draw the line between the responsible and the irresponsible. He believes that too many of the latter are sent to the prison, and his thesis is a more accurate division of the field between the prison and the hospital. To do this it is first necessary to get an exact idea of the relation between the abnormal mind and the abnormal act, for, so far at least, the only method of classifying men the law knows is by their acts. "By their fruits shall ye know them" is peculiarly true of the criminal. This relation the author tries to show by a series of clinical cases. For "theoretical discussions," he

says, "are tiresome and confusing." However we may differ as to that, the cases he gives us, almost all from his own experience, are both interesting and illuminating. These are divided under general headings: epilepsy, paranoia, hysteria, etc., with an explanatory introduction and about half a dozen cases under each. The cases are described and explained in a brief and simple way, quite sufficient for the lawyer or layman, but perhaps too untechnical for the expert. The introductions, on the contrary, are inadequate. For the layman needs more than he can find here for even an intelligent understanding of the cases, and the expert must not be told what he already knows. Perhaps this is the result of the distaste for theory intimated in the preface. But it leads us all the more to regret that an author who has combined a personal knowledge of the cases described and a study of the bibliography at the end of the book should not hazard his own theories in a subject where they are so welcome.

C. P. CURTIS, JR.

COMMENTARIES ON THE LAWS OF ENGLAND. By Sir William Blackstone. Edited by William Cary Jones. San Francisco: Bancroft Whitney Company. 1915. pp. CXX, 2770.

We have nothing but good to say of Professor Jones' new edition of Blackstone. He, with the assistance of his colleagues in the school of jurisprudence in the University of California, has taken the Hammond edition, retained the original notes and the more important notes of the distinguished editor, and has profusely annotated the commentaries with his own work and with extracts from the writings of modern jurists. These two latter contributions give this edition its peculiarly valuable character.

Blackstone's short section on the Roman law in England, Book I, *18, is made the base of an elaborate note and a bibliography of Maitland's, Stubb's, and Vinogradoff's contributions. The consideration of rights, Book I, *121, has been an excuse for pointing out the classifications of Holland, Salmond, Holmes, Pound, Stephen, and Langdell. The law of master and servant, Book I, *429, is annotated with a short description of workmen's compensation acts. Modern theories of corporate personality appear in Professor Lynch's contributions to Book I, c. 18. The Rule against Perpetuities now contains a note by Professor McMurray which leads the reader to Leake, Gray, and recent legislation. Reference to all the modern learning on possession appear in the note to Book II, *196, and the whole subject of private wrongs, Book III, c. 8, takes on a new aspect when annotated with modern decisions on negligence, physical injury resulting from fright, the right to privacy, libel, slander, and malicious prosecution. A wholly new chapter has been supplied by Professor McMurray on the Conflict of Laws. All these and other new matter make it apparent that we shall now resort to Blackstone not only for clear and elegant statements of the old law but for references to modern thinking and decisions of present-day importance.

The form of the work is much improved by the use of sections numbered and appropriately entitled in bold-faced type. JOSEPH WARREN.

LES TRAITÉS FÉDÉRAUX ET LA LÉGISLATION DES ÉTATS AUX ÉTATS-UNIS. Par Lindell T. Bates. Paris: Librarie Générale de Droit et de Jurisprudence. 1915. pp. 228.

This pamphlet has for its chief purpose the enlightening of foreigners as to the treaty-making power of the United States, and as to specific instances of apparent conflict between treaties and the laws of the several states. It begins